

Open-Acceptable Response



Office of the Chairman

## National Transportation Safety Board

Washington, D.C. 20594

APR 28 2010

The Honorable Cynthia L. Quarterman  
Administrator  
Pipeline and Hazardous Materials  
Safety Administration  
Washington, DC 20590

Dear Ms. Quarterman:

Thank you for the September 1, 2009, letter signed by Ms. Cynthia Douglass, then-Acting Deputy Administrator, to the National Transportation Safety Board (NTSB) regarding Safety Recommendation R-08-13, stated below. The NTSB issued this recommendation to the Pipeline and Hazardous Materials Safety Administration (PHMSA) as a result of the NTSB's investigation of the derailment of Norfolk Southern Railway Company train 68QB119 with a release of hazardous materials and fire in New Brighton, Pennsylvania, on October 20, 2006.

// R-08-13

With the assistance of the Federal Railroad Administration [FRA], evaluate the risks posed to train crews by unit trains transporting hazardous materials, determine the optimum separation requirements between occupied locomotives and hazardous materials cars, and revise 49 *Code of Federal Regulations* [CFR] 174.85 accordingly.

The NTSB is pleased that, to address this complicated issue, PHMSA will work with the FRA to perform a safety analysis that will either validate the current regulation or determine the optimum separation requirements between the crew and hazardous materials cars in unit trains used for transporting hazardous materials. Pending the outcome of this analysis, and, if necessary, revision to 49 CFR Part 174 as it relates to separation requirements between occupied locomotives and hazardous materials cars, Safety Recommendation R-08-13 is classified "Open—Acceptable Response."

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hersman", is written over a horizontal line.

Deborah A.P. Hersman  
Chairman

cc: Ms. Linda Lawson, Director  
Office of Safety, Energy, and Environment  
Office of Transportation Policy

Ms. Cynthia Douglass  
Assistant Administrator/Chief Safety Officer